

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JAMES TILLINGHAST, M.D.**

5 Holder of License No. 14418
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-06-0634A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and James Tillinghast, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement of any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.
25

1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.
25

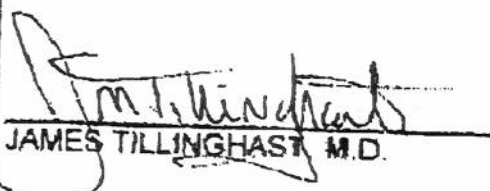
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1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451

8
9 
10 JAMES TILLINGHAST, M.D.

Dated: 31 May 2007



FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 14418 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0634A after Respondent self reported on August 15, 2006 that during a surgical procedure on August 10, 2006, where he functioned as an anesthesiologist, he self administered Fentanyl and Propofol causing him to lose consciousness. Respondent admitted that he had used Fentanyl, intravenous Diazepam and Morphine for about three weeks. Respondent denied using any other medications while at work. Respondent requested that be allowed to enter a treatment program.

4. On August 29, 2006, Respondent entered a treatment program for an assessment and evaluation. The treatment program's Clinical Diagnostic Evaluation Team ("Team") opined that Respondent met the criteria for opioid dependency. The Team recommended Respondent enter a 90 day residential treatment program. The Team opined that Respondent was not fit to practice medicine until he could be reassessed following successful completion of an approved residential treatment program, been discharged with staff approval, and enrolled in a therapeutic monitoring program as directed by the Board.

5. On December 8, 2006, Respondent was discharged from the residential treatment program and began participation in the Board's Monitored Aftercare Program ("MAP") while under the practice restriction of August 15, 2006.

6. On December 14, 2006, the Board's contracted Addictionologist ("Addictionologist") interviewed Respondent and recommended he not be allowed to return

1 to work as an anesthesiologist until after six months of successful recovery in MAP and
2 after being re-evaluated by the treatment program.

3 7. On May 13, 2007, Respondent notified the Board that he was dropping out
4 MAP, which is in violation of the Board order.

5 8. Respondent admits to the acts described above and that they constitute
6 unprofessional conduct pursuant to A.R.S. §32-1401(27)(f) ("[h]abitual intemperance in the
7 use of alcohol or habitual substance abuse.") and A.R.S. §32-1401(27)(g) ("[u]sing
8 controlled substances except if prescribed by another physician for use during a
9 prescribed course of treatment.").

10 CONCLUSIONS OF LAW

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The Board possesses statutory authority to enter into a consent agreement
14 with a physician and accept the surrender of an active license from a physician who
15 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T) (2).

16 ORDER

17 IT IS HEREBY ORDERED THAT License Number 14418, issued to James
18 Tillinghast, M.D. for the practice of allopathic medicine in the State of Arizona, is
19 surrendered and that James Tillinghast, M.D. immediately returns his wallet card and
20 certificate of licensure to the Board.

21 DATED and effective this 8th day of June, 2007.

22 ARIZONA MEDICAL BOARD

23 (SEAL)



24 By:

25 

TIMOTHY C. MILLER, J.D.

Executive Director

ORIGINAL of the foregoing filed
this 8th day of June, 2007 with:


Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 8th day of June, 2007 to:

Steve Myers Esq.
Myers & Jenkins PC
3003 N Central Ave Ste 1900
Phoenix AZ 85012-2910

EXECUTED COPY of the foregoing mailed
this 8th day of June, 2007 to:

James Tillinghast, M.D.
Address of Record


Investigational Review